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Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SELINA KEENE, MELODY FOUNTILA,
MARK MCCLURE,

Plaintiffs,
vs.

CITY and COUNTY OF SAN FRANCISCO;
LONDON BREED, Mayor of San Francisco in
her official capacity; CAROL ISEN, Human
Resources Director, City and County of San
Francisco, in her official capacity; DOES 1-
100,

Defendants.

Case No. 4:22-cv-01587-JSW

**DECLARATION OF ADAM M. SHAPIRO IN
SUPPORT OF ADMINISTRATIVE MOTION
TO CONSIDER WHETHER CASES SHOULD
BE RELATED**

(Civil L.R. 3-12(b) and 7-11)

Judge: Hon. Jeffrey S. White

Trial Date: None set.

I, Adam M. Shapiro, hereby declare:

1. I am a member of the bar of the state of California and counsel of record for defendants in this action (collectively, "the City"). I submit this declaration to support San Francisco's Motion to Consider Whether Cases Should be Related. If called as a witness, I could and would testify competently to the matters set forth herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the complaint filed in *Rodriguez v. City and County of San Francisco*, N.D. Cal. Case No. 3:23-cv-03139 (the “*Rodriguez Action*”).

3. The *Rodriguez Action* was filed on April 20, 2023 in San Francisco Superior Court. On June 26, 2023, the City filed an answer and also removed the *Rodriguez Action* to this Court pursuant to 28 U.S.C. § 1441.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the complaint filed in *Yancey v. London Breed, et al.*, N.D. Cal. Case No. 4:22-cv-09045-DMR.

5. The *Yancey Action* was filed on December 21, 2022, but service was not attempted until on or around June 12, 2023. On July 5, 2023, Magistrate Judge Ryu granted Defendants’ Administrative Motion to Enlarge Time for Responding to Plaintiff’s Complaint, extending the deadline to file a responsive pleading to August 10, 2023.

6. On May 12, 2023, the City filed a motion to consolidate the *Keene Action*, *Gozum v. CCSF*, No. 4:22-cv-03975-JSW (the “*Gozum Action*”); *Guardado, et al. v. CCSF*, No. 4:22-cv-04319-JSW (the “*Guardado Action*”); *Shaheed, et al. v. CCSF*, No. 4:22-cv-06013-JSW (the “*Shaheed Action*”); *Debrunner, et al. v. CCSF, et al. (Debrunner Action)*, No. 4:22-cv-07455-JSW; *Cook v. CCSF*, No. 4:22-cv-07645-JSW (the “*Cook Action*”); *Sanders v. San Francisco Public Library*, No. 23-cv-00211-JSW (the “*Sanders Action*”); and *Monegas v. City and County of San Francisco Department of Public Health* (the “*Monegas Action*”). The motion is now fully briefed and pending before this Court.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. Executed July 11, 2023 in San Francisco, California.

/s/ Adam M. Shapiro
ADAM M. SHAPIRO

EXHIBIT 1

RECEIVED
MAYOR'S OFFICE

2023 MAY 25 PM 12:37

SUMMONS
(CITACION JUDICIAL)RECEIVED
MAYOR'S OFFICE

2023 MAY 25 PM 12:37

SUM-100

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

CITY AND COUNTY OF SAN FRANCISCO, AND DOES 1 TO 50,

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

CHASE RODRIGUEZ,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form. If you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): San Francisco Superior Court

400 McAllister Street, San Francisco, CA 94102

CASE NUMBER:
(Número del Caso):

CGC-23-605996

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Arkady Itkin, Law Office of A. Itkin, 57 Post Street, Suite 812, San Francisco, CA 94104.

DATE: 04/25/2023
(Fecha)

Clerk, by

(Secretario)

JEFFREY FLORES

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify): City and County of San Francisco
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☒ other (specify): CCP 416.50 (public entity)
4. ☐ by personal delivery on (date):

Page 1 of 1

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 (Rev. July 1, 2009)

SUMMONS

Code of Civil Procedure §§ 412.20, 465
www.courts.ca.govFor your protection and privacy, please press the Clear
This Form button after you have printed the form.

Print this form

Save this form

Clear this form

1 Arkady Itkin (SBN 253194)
2 Law Office of A. Itkin
3 57 Post Street, Suite 812
4 San Francisco, CA 94104
5 Telephone: (415) 640-6765
6 Fax: (415) 422-9367
7 arkady@arkadylaw.com

8 Attorney for Plaintiff,
9 CHASE RODRIGUEZ

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

04/20/2023
Clerk of the Court
BY: JEFFREY FLORES
Deputy Clerk

10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO - UNLIMITED CIVIL JURISDICTION
12 **CGC-23-605996**

13 CHASE RODRIGUEZ,	)	CASE NO.:
14)	
15 Plaintiff,	)	COMPLAINT FOR DAMAGES AND
16	)	REQUEST FOR JURY TRIAL
17 vs.)	
18	)	1. FAILURE TO PROVIDE
19 CITY AND COUNTY OF SAN	)	REASONABLE RELIGIOUS
20 FRANCISCO, AND DOES 1 TO 50,	)	ACCOMMODATIONS AND
21	)	TERMINATION IN VIOLATION OF
22	)	FEHA
23)	
24 Defendants,	)	2. VIOLATION OF TITLE VII OF THE
25	)	CIVIL RIGHTS ACT OF 1964 FOR
26	)	FAILURE TO ACCOMMODATE ON
27	)	THE BASIS OF RELIGION
28)	

COMES NOW PLAINTIFF CHASE RODRIGUEZ and complains and alleges as follows:

NATURE OF THE ACTION

1. This is an individual action brought by an employee against his former employer City and County of San Francisco. Plaintiff Chase Rodriguez (hereinafter "Plaintiff") alleges violations of the Fair Employment and Housing Act (hereinafter "FEHA") and violations of Title VII, based upon the Defendants' failure to accommodate his religion by refusing to grant his request for exemption

1 from the Covid-19 vaccination requirement and terminating his employment as a result.

2 **PARTIES**

3 2. Plaintiff is and at all material times alleged herein, was a resident of County of San
4 Francisco.

5 3. At all material times alleged herein, Plaintiff was employed by Defendants City and
6 County of San Francisco, a public entity.

7 4. In addition to the Defendant named above, Plaintiff sues fictitiously Defendants
8 DOES 1 to 50, pursuant to Code of Civil Procedure §474, because their names, capacities, status, or
9 facts showing them to liable are not presently known. Plaintiff will amend this complaint to show
10 their true names and capacities, together with appropriate charging language, when such information
11 has been ascertained.

12 **JURISDICTION AND VENUE**

13 5. The acts of Defendants that form the basis for the causes of action in this complaint
14 occurred in the County of San Francisco. Therefore, the San Francisco venue is proper.

15 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

16 6. Plaintiff timely obtained a Right to Sue letter from the Department of Fair Employment
17 and Housing (hereinafter "DFEH"), a true and correct copy of which is attached hereto as Exhibit A.

18
19 **FACTUAL ALLEGATIONS**

20 7. Plaintiff started working for the Defendants around July 25 ,2016, as Medical
21 Evaluations Assistant.

22 8. Around September 1, 2021, Plaintiff submitted his request for religious exemption
23 from the requirement to be vaccinated against Covid-19. Later that month, Plaintiff received his first
24 shot of J&J vaccine as his request for exemption was still pending, as was formally confirmed to him
25 On October 1, 2021.

26 9. Around January 2022, the Defendants had put a booster mandate in place for their
27
28

employees. Around February 24, 2022, the Defendants notified Plaintiff that he was required to be boosted by March 1, 2022, or else he would be disciplined / terminated. When Plaintiff follow up on his previously submitted religious exemption request, it was summarily denied by the Defendants without any meaningful explanation.

10. Plaintiff was subsequently suspended and then terminated on May 23, 2022. As a result of this termination, Plaintiff has and continues to suffer loss of wages and other economic and non economic damages.

FIRST CAUSE OF ACTION
FAILURE TO PROVIDE REASONABLE ACCOMMODATIONS OF FEHA

11. Plaintiff hereby incorporates by reference paragraphs 1 through 10, as though fully set forth herein.

12. At all times material to this complaint, Plaintiff was a person who held a sincerely religious belief within the meaning of FEHA.

13. Defendant is an employer within the meaning of the FEHA.

14. On information and belief, Plaintiff alleges that, during times material here, the Defendant violated the FEHA by failing to provide reasonable accommodations to Plaintiff's religious beliefs and by denying Plaintiff's request to be exempt from the Covid-19 vaccination requirement.

15. The effect of the above actions and omissions have been to deprive Plaintiff of equal employment opportunities and otherwise adversely affect Plaintiff's status because of his sincerely held religious beliefs.

16. As a direct and further proximate result of the above violations of her rights under the FEHA, Plaintiff has suffered compensatory damages in the form of past and future wage loss, and emotional distress.

17. As a result of Defendant's unlawful acts, Plaintiff is entitled to compensatory damages, equitable relief, and attorney's fees and costs.

SECOND CAUSE OF ACTION

**VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 FOR FAILURE TO
ACCOMMODATE ON THE BASIS OF RELIGION**

18. Plaintiff hereby incorporates by reference paragraphs 1 through 17, as though fully set forth herein.

20. Title VII forbids an employer from refusing a job to someone because of the need for religious accommodation, absent proof that granting the accommodation would cause it undue hardship. 42 USC §§ 2000e(j), 2000e-2(a)(1); EEOC v Abercrombie & Fitch Stores, Inc., 575 US 768, 774 (2015).

21. The Defendants denied Plaintiff's request for religious accommodation, providing which would not have imposed hardship on the Defendants. Further, the Defendants did not propose any alternative reasonable accommodations to Plaintiff.

22. As a result of the Defendants' violations, Plaintiff suffered lost income and other economic and non-economic damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:

1. For compensatory damages;
2. For equitable relief, including but not limited to full reinstatement with full backpay;
3. For statutory attorneys' fees and costs of suit, for any applicable interest;
4. For injunctive relief as no plain, adequate, or complete remedy at law is available to Plaintiff to redress the wrongs addressed herein;
5. For judicial declaration of the rights and duties of the respective parties;
6. For such other and further relief as is just and proper.

//

1
2 DATED: April 20, 2023

RESPECTFULLY SUBMITTED,

3
4
5 BY: 

Arkady Itkin
Attorney for Plaintiff,
CHASE RODRIGUEZ

6
7 **DEMAND FOR JURY TRIAL**

8 Plaintiff hereby demands a trial for each and every claim for which he has a right to a jury
9 trial.

10
11 DATED: April 20, 2023

RESPECTFULLY SUBMITTED,

12
13
14 BY: 

Arkady Itkin
Attorney for Plaintiff,
CHASE RODRIGUEZ

EXHIBIT A



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

Civil Rights Department

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1884 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

April 20, 2023

Chase Rodriguez

RE: **Notice of Case Closure and Right to Sue**
CRD Matter Number: 202304-20391620
Right to Sue: Rodriguez / City and County of San Francisco / Zuckerberg
General Hospital

Dear Chase Rodriguez:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective April 20, 2023 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Arkady Itkin (SBN 253194) Law Office of A. Itkin, 57 Post Street, Suite 812, San Francisco, CA 94104 TELEPHONE NO.: 415-640-6765 FAX NO. (Optional): 415-508-3474 E-MAIL ADDRESS: arkady@arkadvlaw.com ATTORNEY FOR (Name): Plaintiff Rodriguez		FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of San Francisco 04/20/2023 Clerk of the Court BY: JEFFREY FLORES Deputy Clerk	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:			
CASE NAME: Rodriguez v City and County of San Francisco			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) </td> <td style="width: 50%; padding: 5px;"> <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) </td> </tr> </table>			CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3:402) </td> <td style="width: 50%; padding: 5px;"> CASE NUMBER: CGC-23-605996 JUDGE: DEPT.: </td> </tr> </table>		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3:402)	CASE NUMBER: CGC-23-605996 JUDGE: DEPT.:
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3:402)	CASE NUMBER: CGC-23-605996 JUDGE: DEPT.:		

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): 2
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 20, 2023

Arkady Itkin

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

EXHIBIT 2

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

FILED

UNITED STATES DISTRICT COURT

DEC 21 2022

for the Northern
District of Cal: formaCLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE

Division

C22-09045

Case No.

(to be filled in by the Clerk's Office)

Estelle Christina Yancey

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

" See Attached "

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

SCANNED

442
JFP
NP

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Estelle Christina Yancey
668 Industrial Park #4152
Manteca, San Joaquin
California, CA. 95337
628-888-4807
Estelle.Yancey@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Defendant No. 1

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

London Breed
 Mayor
 525 Golden Gate Ave Fl #3
 San Francisco, San Francisco
 California, 94102
 (415) 554-6141
 MayorLondonBreed@sfgov.org

Defendant No. 2

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

David Jung
 Hr Analyst
 525 Golden Gate Ave Fl #3
 San Francisco, San Francisco
 California, 94102
 (415) 645-9867
 djunga@swater.org

Defendant No. 3

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Diane Mchenry
 unknown
 525 Golden Gate Ave
 San Francisco, CA. San Francisco
 California 94102
 dmchenry@swater.org

Defendant No. 4

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Rocio M Mendoza
 SFPUC Human Resources
 525 Golden Gate Ave Fl #3
 San Francisco, CA. 94102 (San Francisco)
 CA. 9402
 unknown
 rmendoza@swater.org

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Defendant No. 5

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Sari Miz
 Jr. Analyst Human Resources
 525 Golden Gate Ave
 San Francisco, San Francisco
 California, 94102
 (415) 409-0841
 Smiza@sfwater.org

Defendant No. 6

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Dena Narbitz
 EEO Program Specialist
 525 Golden Gate Ave
 San Francisco, San Francisco
 California, CA. 94102
 415-816-7012
 Smiza@sfwater.org
 dnarbitz@sfwater.org

Defendant No. 7

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Hallie Albert
 EEO Program Manager
 525 Golden Gate Ave
 San Francisco, San Francisco
 California, CA. 94102
 (415) 961-5812
 Halbert@sfwater.org

Defendant No. 8

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

~~Warr~~ Steven Tang
 EEO Program Manager
 525 Golden Gate Ave
 San Francisco, San Francisco
 California, CA. 94102
 415-584-1600

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) Estelle Christina Yancey, is a citizen of the State of (name) California

b. If the plaintiff is a corporation

The plaintiff, (name) N/A, is incorporated under the laws of the State of (name) N/A and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) Unknown (see Attach Page), is a citizen of the State of (name) Unknown. Or is a citizen of (foreign nation) Unknown.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

b. If the defendant is a corporation

The defendant, (name) N/A, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

Unlimited and predicated on retirement Date

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur? San Francisco County City and County, denied religious exemption state I have no sincerely held religious beliefs. Violated (California Fair Housing Employment And housing Act and title VII of Civil Right Act of 1964 Coerced/Coercion under First Amendment rights And Title VII Article I of California Constitution /Right reserved in the US Constitution.
- B. What date and approximate time did the events giving rise to your claim(s) occur? 8/23/2022
~~the~~ start date, was a breach of contract. The City delayed events for

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?) Please see Statement of facts / Information

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured. Loss of a job, for the City of Folsom, \$7500.00 and Medical retirement benefits. Compensation is not measurable because of possibility of overtime. And the continuity of employment. Annual Salary for 7372 with City and County of San Francisco is 116,000 per year (Excluding possible overtime)

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. Plaintiff resigned from City of Folsom, To start at City and County on 8/23/2021. Loss of annual salary and Medical + retirement of CalPers. The amounts claimed would be unlimited. Relief would be restate of position 8/23/2021, made whole with employment.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/11/2022

Signature of Plaintiff

Printed Name of Plaintiff

Estelle Yancy
Estelle Yancy

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Continued

STATEMENT OF INFORMATION

1. Completed Application on 11/20/2020 at 2:13 pm for 7372 Stationary Engineer, Sewage Plant. (Email Confirm from HR analyst David Jung)
2. Received email 06/21/2021 from Diane McHenry, That I had been selected to interview for 7372 Stationary Engineer/CAT position. Which would take place on 6/28/2021 @ 12:00pm.
3. Received email 06/22/2021 from Diane McHenry letting me know she received my response to participate in the interview process.
4. Interview was conducted at 12:00pm on my lunch break 06/28/2021 at 12:00pm, I emailed Diane McHenry on 06/28/2021 in reference That I fully did not address a question as I drove back to work. Which was an essay of 25mins to complete.
5. On 07/01/2021 I received and email from Rocio M Mendoza, congratulating that I had advanced to the final selection Process, and I need verify that I meet the minimum qualifications.
6. On 07/06/2021 I received and email from Rocio M Mendoza, that all documents needed were satisfied and he was forwarding it to the onboarding team.
7. On 07/07/2021 received and email from the SFPUC RedCarpet Pre-Boarding and Onboarding with username and password. I received emails from different staff Sari Mix sending email for drug testing, fingerprinting, medical exams.
8. On 07/08/2021 received email from Sari Mix about Drug testing and were to go. Also scheduled medical exam on 07/30/2021 @8:00AM
9. On 07//09/2021 received email from Sari Mix about live scan finger printing and confirmed Medical Exam.
10. On 07/15/2021 received email from Sari Mix confirmation of updated Medical Exam.
11. 07/22/2021 received email from Sari Mix confirmation that drug test and medical exam had been cleared.

continued

STATEMENT OF FACTS CONTINUED

12. On 08/03/2021 received an email from SFPUC REDCARPET on boarding of task to complete.
13. On 08/02/2021 received email from Sari Mix, In regards to where I would be working and the schedule that I would work.
14. On 08/10/2021 received emails total of 6 all from SFPUC REDCARPET (5) and one from Sari Mix completing the on boarding process.
15. On 08/12/2021 received email from Sari Mix DocuSign on boarding documents had been completed thru the RedCarpet. Also, got email regarding a policy change of vaccination status, not included in the on boarding document, in the email its status you can ask for accommodations. I looked up the policy and requested the forms be sent and waited too long. I personally dug up the policy and sent it to her and was told to wait for EEO.
16. On 08/14/2021 received email from Sari Mix, telling me not to email her wait for EEO to reach out.
17. On 08/16/2021- 08/18/2021 received an email to Tanner from Sari Mix which must have could have possibly been another candidate.
18. On 08/18/2021 I emailed San Francisco EEO, to get the ball rolling on Religious Accommodations and Medical exemptions 4 days had past and my last day at the City of Folsom 08/20/2021.
19. On 08/20/2021 I called Dena Narbaitz EEO program Special, whom told me she sent out the forms, but I did not have an email until I asked her to send the email again; which was stamped the day of conversation not prior. Once I received them, I proceeded to have them completed and emailed them Back.
20. On 09/07/2021-10/04/2021 I emailed Hallie Albert EEO Program Manager, which began a trail of emails involving Russell Davis and Myself, irrelevant and discriminatory questions. Final denial, of religious exemption stating I had no sincerely held religious beliefs.



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove, CA | 95758
800-884-1684 | Videophone for the DEAF 916-226-5285
www.dfeh.ca.gov | e-mail: contact.center@dfeh.ca.gov

EEOC Number: 550-2021-01568C
Case Name: Estelle C. Yancey vs. CITY AND COUNTY OF SAN FRANCISCO
Filing Date: Oct 30, 2021

NOTICE TO COMPLAINANT AND RESPONDENT

This is to advise you that the above-referenced complaint is being dual filed with the California Department of Fair Employment and Housing (DFEH), a state agency, and the United States Equal Employment Opportunity Commission (EEOC), a federal agency. The complaint will be filed in accordance with California Government Code section 12960. The notice constitutes service pursuant to Government Code section 12962.

The EEOC is responsible for the processing of this complaint and the DFEH will not be conducting an investigation into this matter. Please contact EEOC directly for any discussion of the complaint or the investigation.

NOTICE TO COMPLAINANT OF RIGHT TO SUE

This letter is also your state Right to Sue notice. This state Right to Sue Notice allows you to file a private lawsuit. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above- referenced complaint. The lawsuit may be filed in a State of California Superior Court.

Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice or, pursuant to Government Code section 12965, subdivision (d)(2), 90 days from receipt of the federal right-to-sue letter from the EEOC, whichever is later. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed.

Be advised, the DFEH does not retain case records beyond three years after a complaint is filed.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

San Francisco District Office
450 Golden Gate Avenue 5 West, PO Box 36025
San Francisco, CA 94102
(650) 684-0910
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 09/02/2022

To: Ms. Estelle C. Yancey
668 Industrial Park Drive #4152
MANTECA, CA 95337
Charge No: 550-2021-01568

EEOC Representative and email: Warren Chen
EEO Investigator
warren.chen@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "R. Salazar", is written over a horizontal line.

Digitally signed by Rosa M. Salazar
DN: cn=Rosa M. Salazar, o=U.S. Equal Employment
Opportunity Commission, ou=Enforcement Manager, San
Francisco District Office, email=rosa.salazar@eeoc.gov, c=US
Date: 2022.09.02 13:50:49 -0700

for Nancy Sienko
District Director

Cc:
Anna Martinez
City & County of San Francisco
One South Van Ness Avenue, 4th Fl
San Francisco, CA 94103

Steven Tang
525 Golden Gate Ave Fl 3
San Francisco, CA 94102

Please retain this notice for your records.

Enclosure with EEOC Notice of Closure and Rights (01/22)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a "FOIA Request" or a "Section 83 Request" for Charge Number 550-2021-01568 to the District Director at Nancy Sienko, 450 Golden Gate Avenue 5 West PO Box 36025

San Francisco, CA 94102.

You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>.

Enclosure with EEOC Notice of Closure and Rights (01/22)

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA Requests and Section 83 Requests, go to:
<https://www.eeoc.gov/eeoc/foia/index.cfm>.